

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MARTA D. LYALL,

9 Plaintiff,

10 v.

11 LES ZIEVE; MITCHELL SAMBERG;
12 DOOJIN CHUNG; TRUMAN CAPITAL
13 HOLDINGS, LLC; JOHN WILSON,

Defendants.

CASE NO. 2:24-cv-02148-JNW

ORDER

14 Pro se Plaintiff Marta D. Lyall filed this action on December 26, 2024,
15 seeking injunctive relief and damages for “Defendants’ fraudulent and procedurally
16 improper actions, which threaten irreparable harm to Plaintiff’s property rights and
17 constitutional protections.” Dkt. No. 7 at 1; *see also* Dkt. Nos. 1 (Application to
18 Proceed in Forma Pauperis), 12 (Amended Complaint). Lyall alleges that
19 Defendants engaged in a “deliberate scheme to undermine [her] ownership of the
20 real property” located in Shoreline, Washington. Dkt. No. 12 at 1.

21 Lyall now moves for a temporary restraining order (TRO), aiming to “prohibit
22 Defendants from... selling, transferring, or encumbering” the Shoreline property,
23 and “[r]equir[ing] Defendant John Wilson, in his official capacity as King County

1 Assessor, to... refrain from making any further changes to the title of the Property”
2 until this case is resolved. Dkt. No. 8 at 3. She also seeks immediate “rever[sion] [of]
3 the title of the Property back to [her] name until the title dispute is resolved[.]” *Id.*

4 To obtain a TRO, the moving party must serve all motion papers on the
5 nonmoving party unless the requirements of Rule 65(b)(1)—issuance of a TRO
6 without notice—are met. LCR 65(b)(1); Fed. R. Civ. P. 65(b)(1). The Court may issue
7 a TRO without notice to the adverse party only if the moving party shows that
8 “immediate and irreparable injury” will occur before the adverse party can be heard
9 and the movant certifies “any efforts made to give notice and the reasons why it
10 should not be required.” Fed. R. Civ. P. 65(b)(1). “Motions for temporary restraining
11 orders without notice to and an opportunity to be heard by the adverse party are
12 disfavored and will rarely be granted.” LCR 65(b)(1).

13 Lyall includes a “Certification of Service” in her TRO motion, stating that “on
14 December 30, 2024, [she] served a copy of this motion and exhibits on all
15 parties/counsel of record[.]” Dkt. No. 8 at 4. But Lyall’s “Certification of Service” is
16 signed and dated December 27, 2024—days before she allegedly effected service. *Id.*
17 This discrepancy casts doubt on whether she effected service as stated.


18 This is not the only problem with Lyall’s purported service. She states that
19 she served “a copy of this motion and exhibits” on “Attorney Thomas B. Pierce,
20 attorney, who works for Les Zieve[.]” Dkt. No. 8 at 4. Yet, Lyall does not provide
21 Pierce’s contact information, as required by the Local Rules. *See* LCR 65(b)(1) (“The
22 motion must also include contact information for the opposing party’s counsel or for
23 an unrepresented party.”). Finally, Lyall gives no indication that her service

1 attempts have resulted in actual notice, such as a return email or response from
2 any of the Defendants acknowledging receipt in some way. Due to these deficiencies,
3 the Court finds that Lyall has failed to prove notice in compliance with Rule 65.

4 Lyall does not address the standard for issuance of a TRO without notice, and
5 on this record, the Court does not find that her case falls within those “very few
6 circumstances justifying the issuance of an ex parte TRO.” *See Reno Air Racing*
7 *Ass’n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006). Lyall alleges irreparable
8 harm in conclusory fashion, asking the Court to prohibit any future sales, transfers,
9 or encumbrances of the Shoreline property. Dkt. No. 8 at 3. But she does not point
10 to any such transactions on the near-term horizon. As a result, she fails to establish
11 that the requested relief is necessary to avert some “immediate threatened injury.”
12 *See Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988).
13 Moreover, the title transfer to Defendant Truman Capital took place in 2023. This
14 motion arrives over a year later. Thus, the Court finds no basis for emergency
15 judicial action before Defendants may be heard in opposition. *See Abdel-Malak v.*
16 *Doe*, No. EDCV 20-00322-CJC (KKx), 2020 WL 5775818, at *1 (C.D. Cal. Feb. 20,
17 2020) (denying TRO sought by pro se plaintiff for failure to satisfy Rule 65(b)’s
18 “strict requirements”).

19 Accordingly, the Court DENIES Lyall’s motion for a TRO without prejudice.

20 Dated this 6th day of January, 2025.

21 
22 Jamal N. Whitehead
23 United States District Judge